

## DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATION

(X) Original    () Supplemental    () Substitute    () PCT    () DESIGN

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Title: APPARATUS FOR AND METHOD FOR POLISHING WORKPIECE

of which is described and claimed in:

- ( ) the attached specification, or  
 ( ) the specification in application Serial No. \_\_\_\_\_, filed June 8, 2000, and with amendments through (if applicable), or  
 ( ) the specification in International Application No. , filed , and as amended on (if applicable).  
 (X) letters patent number 5,762,539 granted on June 9, 1998 and in the attached specification for which I solicit a reissue patent.

I hereby state that I have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code, §119 (and §172 if this application is for a Design) of any application(s) for patent or inventor's certificate listed below and have also identified below any application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NO.	DATE OF FILING	PRIORITY CLAIMED
Japan	65315/1996	February 27, 1996	YES

I believe the original patent to be partly inoperative by reason of the patentee claiming less than patentee had the right to claim in the patent. In particular, in patent claim 1, the limitation of "a pressurized fluid source for supplying pressurized fluid" unnecessarily and unduly restricts the scope of claim 1 in that other aspects of the disclosed invention are patentable without such limitation. Also, patent claim 8 requires that the step of "ejecting pressurized fluid from openings in a plurality of areas in said holding surface of said top ring toward the workpiece held by said top ring, said pressurized fluid being selectively ejectable from said openings in said respective areas". This limitation unnecessarily and unduly restricts the scope of patent claim 8. Applicants consider their invention to include the steps of holding a workpiece by a top ring, and pressing the workpiece against a polishing surface of a turntable to polish a surface of the workpiece by applying independently adjustable pressures to substantially concentric circular areas of the workpiece. Thus, the method recited in patent claim 8 is unnecessarily limited by the inclusion of the limitation of ejecting pressurized fluid from openings in a plurality of areas in the holding surface of the top ring.

All errors which are being corrected in the present reissue application up to the time of filing of this Declaration arose without any deceptive intention on the part of the Applicants.

And I hereby appoint Michael R. Davis, Reg. No. 25,134; Matthew M. Jacob, Reg. No. 25,154; Jeffrey Noltan, Reg. No. 25,408; Warren M. Cheek, Jr., Reg. No. 33,367; Nils Pedersen, Reg. No. 33,145; and Charles R. Watts, Reg. No. 33,142, who together constitute the firm of WENDEROTH, LIND & PONACK, L.L.P., jointly and severally, attorneys to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

I hereby authorize the U.S. attorneys named herein to accept and follow instructions from WATANABE & HOTTA as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and myself. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by me.

**Direct Telephone Calls to:**

WENDEROTH, LIND & PONACK, L.L.P.  
Area Code (202) 721-8200

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<b>Full Name of Sixth Inventor</b>	<b>FAMILY NAME</b>	<b>FIRST GIVEN NAME</b>	<b>SECOND GIVEN NAME</b>
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<b>Post Office Address</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>STATE OR COUNTRY</b> <b>ZIP CODE</b>

I further declare that all statements made herein of my own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1st Inventor \_\_\_\_\_ Date \_\_\_\_\_  
Masamichi NAKASHIBA

2nd Inventor \_\_\_\_\_ Date \_\_\_\_\_  
Norio KIMURA

3rd Inventor \_\_\_\_\_ Date \_\_\_\_\_  
Isamu WATANABE

4th Inventor \_\_\_\_\_ Date \_\_\_\_\_  
Kaori YOSHIDA

5th Inventor \_\_\_\_\_ Date \_\_\_\_\_

6th Inventor \_\_\_\_\_ Date \_\_\_\_\_

The above application may be more particularly identified as follows:

U.S. Application Serial No. \_\_\_\_\_ Filing Date June 8, 2000

Applicant Reference Number GEB475-US-Reissue Atty Docket No. 2000-0722

Title of Invention APPARATUS FOR AND METHOD FOR POLISHING WORKPIECE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reissue application of :  
U.S. Patent No. 5,762,539 :  
Issued June 9, 1998 :  
Masamichi NAKASHIBA et al. : Attn: BOX PATENT APPLICATION  
Serial No. NEW : Docket No. 2000-0722  
Filed June 8, 2000 :  
APPARATUS FOR AND METHOD FOR  
POLISHING WORKPIECE

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEE FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975.

**COVER LETTER FOR APPLICATION FILED**  
**WITHOUT EXECUTED DECLARATION**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

The above-identified application has been submitted without an executed oath or declaration pursuant to 37 C.F.R. 1.41(c) and without an executed Consent of Assignee.

It is respectfully requested that this application be assigned a serial number and awarded a filing date pursuant to 37 C.F.R. 1.53.

A duly executed oath or declaration pursuant to 37 C.F.R. 1.63 AND 37 C.F.R. 1.175, and an executed Consent of Assignee pursuant to 37 C.F.R. 1.172 and 37 C.F.R. 3.73 will be submitted after notification by the U.S. Patent and Trademark Office pursuant to 37 C.F.R. 1.53(f).

A non-executed copy of the Declaration and Power of Attorney, containing the inventorship information, and a non-executed copy of the Consent of Assignee is attached. It is respectfully requested that all communications be directed to the firm indicated on the attached Declaration and Power of Attorney, namely:

WENDEROTH, LIND & PONACK, L.L.P.  
2033 K Street, N.W., Suite 800  
Washington, D.C. 20006

The required U.S. Patent and Trademark Office Filing Fee is submitted herewith.

Respectfully submitted,

Masamichi NAKASHIBA et al.

By



Michael S. Huppert  
Registration No. 40,268  
Attorney for Applicants

MSH/kjf  
Washington, D.C.  
Telephone (202) 721-8200  
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June 8, 2000

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**CONSENT OF ASSIGNEE TO REISSUE AND**  
**37 CFR 3.73(B) STATEMENT**

Assistant Commissioner for Patents,  
Washington, D.C.

Sir:

The undersigned, assignee of the entire interest in the above-mentioned letters patent as evidenced by an Assignment of record in the Patent Office at 8581, frames 0552-0555 on June 25, 1997, hereby assents to the above-identified reissue application.

In accordance with 37 C.F.R. 3.73 the assignee hereby certifies that the evidentiary documents with the respect to its ownership have been reviewed and that, to the best of the assignees knowledge and belief, title is in the assignees seeking to take this action.

The undersigned (whose title is supplied below) is empowered to sign the certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements

are made with the knowledge that wilful false statements, and the like so made, are punishable by fine or imprisonment, or both, under §1001, Title 18 of the U.S. Code, and that such wilful false statements may jeopardize the validity of the application or any patent issuing thereon.

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Signature of assignee)

\_\_\_\_\_  
Title